

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JOHEB HASSAN, on behalf of himself, FLSA
Collective Plaintiffs and the Class,

Plaintiffs,

21-CV-10262 (VF)

-against-

ORDER

LA GRENOUILLE, INC. AND PHILIPPE MASSON,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge:

Plaintiff commenced this action on December 2, 2021. ECF No. 1. Defendants answered on February 11, 2022. ECF No. 14. On September 21, 2022, Plaintiff filed an amended complaint (see ECF No. 35) which Defendants answered on September 30, 2022. ECF No. 35. The case was stayed pending mediation (see ECF No. 40) and on January 20, 2023, the parties indicated that they had reached a class-wide settlement. ECF No. 48. On August 3, 2023, the Court granted preliminary approval of the settlement pending a fairness hearing. ECF No. 54. The parties filed a joint letter on December 14, 2023, seeking an adjournment of the final approval hearing due to Defendant's inability to fund the settlement until January 7, 2024. ECF No. 55. The Court granted the adjournment. ECF No. 56. Following a conference on April 25, 2024, Defendants' counsel filed a motion to withdraw, which the Court granted. ECF No 60.

A status conference was scheduled for August 28, 2024, where only Plaintiff's counsel appeared. ECF No. 63. The Court ordered another conference for November 12, 2024, and noted that a corporate party such as La Grenouille, Inc. cannot appear *pro se* and warned La Grenouille, Inc. that failure to appear at the conference with counsel may result

in their answer being stricken and in the entry of a default judgment. ECF No. 63. New counsel for Defendants appeared at the conference on November 12, 2024, but ultimately withdrew as counsel. See ECF No. 64. The Court scheduled a conference for January 15, 2025, where Defendants again failed to appear. ECF No. 66. To this date, La Grenouille, Inc. remains unrepresented; Defendants have failed to provide the class list to Plaintiff such that notice has not been mailed to the class; and the final approval hearing has been adjourned indefinitely.

On February 6, 2025, Plaintiff filed a letter requesting that the Court impose \$100 daily sanction on Defendants for each business day they fail to produce the class list after the date such a sanction is ordered. ECF No. 66. **By April 1, 2025, La Grenouille, Inc. is directed to retain counsel and have counsel file a notice of appearance on the docket. By April 1, 2025, Defendant Philippe Masson is directed to provide the class list to Plaintiff's counsel for purposes of notifying the class of the class settlement. Failure to do so will result in the Court imposing a daily sanction of \$100 against Mr. Masson and La Grenouille, Inc., respectively.** This order is issued with the intent of persuading Defendants to reappear and participate in the case. If Defendants reappear, the Court will consider vacating the sanction award, to the extent it has started to accrue.

Plaintiff is directed to serve this order on Defendant Masson at his individual address and Defendant La Grenouille, Inc. at the restaurant, if the restaurant remains in operation.

SO ORDERED.

DATED: New York, New York
March 19, 2025



VALERIE FIGUEREDO
United States Magistrate Judge